

1 Matthew Franklin Jaksa (CA State Bar No. 248072)
2 HOLME ROBERTS & OWEN LLP
3 560 Mission Street, 25th Floor
4 San Francisco, CA 94105-2994
5 Telephone: (415) 268-2000
6 Facsimile: (415) 268-1999
7 Email: matt.jaksa@hro.com

8
9 Attorneys for Plaintiffs,
10 UMG RECORDINGS, INC.; SONY BMG
11 MUSIC ENTERTAINMENT; ARISTA
12 RECORDS LLC; ELEKTRA
13 ENTERTAINMENT GROUP INC.;
14 CAPITOL RECORDS, INC.; and BMG
15 MUSIC

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 UMG RECORDINGS, INC., a Delaware
20 corporation; SONY BMG MUSIC
21 ENTERTAINMENT, a Delaware general
22 partnership; ARISTA RECORDS LLC, a
23 Delaware limited liability company; ELEKTRA
24 ENTERTAINMENT GROUP INC., a Delaware
25 corporation; CAPITOL RECORDS, INC., a
26 Delaware corporation; and BMG MUSIC, a New
27 York general partnership,

28
29 Plaintiffs,
30 v.
31

32 ELISE TAMAI,
33 Defendant.

CASE NO. 3:07-CV-04835-JCS

Honorable Joseph C. Spero

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
 2 currently set for April 4, 2008, at 10:30 a.m., to July 11, 2008. As further explained below,
 3 Defendant Elise Tamai (“Defendant”) has not appeared in this action, and Plaintiffs are filing a
 4 request for clerk’s default. Therefore, a case management conference is unnecessary at this time.

5 1. Plaintiffs initially filed the Complaint in this matter against a John Doe defendant on
 6 September 20, 2007. In order to discover the Doe defendant’s true identity, Plaintiffs also filed their
 7 *Ex Parte* Application for Leave to Take Immediate Discovery seeking the Court’s permission to
 8 serve a Rule 45 subpoena on Defendant’s Internet Service Provider (“ISP”). On October 3, 2007,
 9 the Court issued an Order for Leave to Take Immediate Discovery. Plaintiffs then served a
 10 subpoena on the ISP, which thereafter identified the Defendant, Elise Tamai.

11 2. While this case was still in the Doe stage, the Court issued a December 21, 2007
 12 Order granting Plaintiffs’ previous request to continue the case management conference from the
 13 original date of January 11, 2008 to the currently scheduled date.

14 3. Once the ISP identified Defendant, Plaintiffs sent her a letter notifying her of
 15 Plaintiffs’ claims and encouraging her to contact Plaintiffs and attempt to amicably resolve this
 16 matter. No settlement was reached. Accordingly, on January 18, 2008, Plaintiffs filed their First
 17 Amended Complaint naming Ms. Tamai individually as the Defendant.

18 4. Defendant was served with process on February 18, 2008, by substitute service.
 19 Defendant has not answered or otherwise responded to the Complaint. Accordingly, along with this
 20 application, Plaintiffs are filing a request for entry of clerk’s default.

21 5. Given the circumstances of this case, there is no need for a case management
 22 conference at this time. Therefore, Plaintiffs respectfully request that the Court continue the case
 23 management conference from April 4, 2008, at 10:30 a.m., to July 11, 2008, or such other date as
 24 conveniences the Court.

25 Dated: March 25, 2008

HOLME ROBERTS & OWEN LLP

26
 27 By: /s/ Matthew Franklin Jaksa
 28 MATTHEW FRANKLIN JAKSA
 Attorney for Plaintiffs

1 **[PROPOSED] ORDER**

2 Good cause having been shown:

3 **IT IS ORDERED** that the case management conference currently set for April 4, 2008, at
4 10:30 a.m., be continued to July 11, 2008.

5

6

7 Dated: _____

By: _____

8 Honorable Joseph C. Spero
9 United States Magistrate Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28